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10/693,530	10/24/2003	David L. Rieschick	291448-00136	2308
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/693,530	RIESCHICK, DAVID L.
	Examiner Thomas A. Morrison	Art Unit 3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 June 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5-12,14 and 18-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-3 and 5-11 is/are allowed.  
 6) Claim(s) 12,14,18 and 20 is/are rejected.  
 7) Claim(s) 19 and 21 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,566,933 (Salancy).

Regarding claim 12, Figs. 3-7 show a rippler (222) for a paper deliverer having a top plate, the rippler comprising:

a ridge (234) structured to cause a paper passing over the rippler (222) to develop a ripple (Fig. 4) substantially parallel to a direction of movement within the deliverer,

wherein the rippler (222) is an elongated member (Fig. 7) having a hook (226) that is structured to secure the rippler to the top plate (224) of the deliverer (Fig. 1) with the hook (226) located proximate to a pulley (the unnumbered pulley below reference numeral 12 in Fig. 1) of the deliverer (Fig. 1),

wherein the rippler (222) is structured to be disposed between at least some of a set of vacuum belts, and

wherein the ripple in the paper is structured to increase the rigidity of the paper and resist being bent upward.

With regard to the recitation, "wherein the rippler (222) is structured to be disposed between at least some of a set of vacuum belts", Fig. 3 shows at least a portion of the rippler (222) (i.e., the portion of element 222 located to the left of belt 11B) located between **a set of belts** (11B and 11A). Similarly, the rippler (222) is capable of being disposed between at least some of a set of vacuum belts. Thus, it is the examiner's position that the rippler (222) is structured to be disposed between at least some of a set of vacuum belts, as claimed.

With regard to the recitation "wherein the ripple in the paper is structured to increase the rigidity of the paper and resist being bent upward", this recitation does not impart patentability to the claim in view of MPEP, section 2115. As such, it is the examiner's position that all of the features of claim 12 are met by the Salancy patent.

Regarding claim 14, Figs. 5-7 show that the rippler (222) defines a pair of ends, with the hook (226) disposed on one end, and the ridge (234) disposed on the opposite end.

#### ***Claim Rejections - 35 USC § 103***

2. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,566,933 (Salancy) as applied to claim 12 above, and further in view of the numbered paragraphs [0003] and [0004] in the background section of the instant application. The background section of the instant application has been considered admitted prior art.

Regarding claim 18, Figs. 3-7 of U.S. Patent No. 5,566,933 (Salancy) disclose a rippler (222), as claimed. Also, Figs. 3-7 of U.S. Patent No. 5,566,933 (Salancy) show a

paper deliverer, in which the deliverer has a first conveyer station (11) with a first set of belts (11a and 11b), and a substantially coplanar path 13 leading to a next successive station. See e.g., Fig. 1 and column 3, lines 10-18. As mentioned above, the Salancy patent discloses a plurality of sheet handing stations and has conveyer belts (11a and 11b). Thus, the Salancy patent does not specifically show first and second sets of vacuum belts and a vacuum roller, as claimed.

However, the numbered paragraph [0003] of the background section of the instant application discloses that it is well known to use a vacuum sheeter as an alternative to belts, in which the vacuum sheeter includes a first set of vacuum belts (line 4 of paragraph [0003]), each belt within the first set having a pair of ends with a pulley at each end (lines 1-2 of paragraph [0003]), and a plurality of apertures defined along the belts (line 3 of paragraph [0003]), and a vacuum chamber disposed below top surfaces of the first set of vacuum belts (lines 2-3 of paragraph [0003]), structured to provide a suction through the apertures (lines 3-4 of paragraph [0003]);

a vacuum roller (line 5 of paragraph [0003]) disposed adjacent to one end of the first set of vacuum belts. The vacuum roller inherently defines a pair of ends. The vacuum roller defines a hollow interior (line 8 of paragraph [0003]), and at least one row of apertures (lines 6-7 of paragraph [0003]), each row of apertures extending axially down a length of the vacuum roller (lines 6-7 of paragraph [0003]), the vacuum roller further comprising a vacuum fitting in communication with the hollow interior (line 8 of paragraph [0003]); and

a second set of vacuum belts (line 9 of paragraph [0003]) disposed adjacent to the vacuum roller (line 10 of paragraph [0003]), each belt within the second set having a pair of ends with a pulley at each end, and a plurality of apertures defined along the belts. See lines 9-10 of paragraph [0003] which explain that the second set of vacuum belts are similar to the first set but are moving at a slower speed. It is well known in the art to replace belts with a vacuum belt arrangement for the purpose of more securely holding sheets down on such vacuum belt arrangement. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to replace the belt transport arrangement of the Salancy patent with the vacuum sheeter arrangement (i.e., first set of vacuum belts, vacuum roller, and second set of vacuum belts) of the numbered paragraph [0003] of the background section of the instant application, because this merely involves replacing one well-known conveying arrangement with another well known conveying arrangement that performs substantially the same function with the added advantage of the vacuum sheeter arrangement being able to more securely hold sheets during conveyance. Providing the first set of vacuum belts, the vacuum roller and the second set of vacuum belts of numbered paragraph [0003] in place of the aligned and coplanar elements (e.g., element 11b and element 13) of the Salancy patent, will result in the vacuum roller being substantially parallel to the pulleys of the first set of vacuum belts, and the second set of vacuum belts being coplanar with the first set of vacuum belts, as claimed.

Regarding claim 20, the combination of the Salancy patent and the admitted prior art of paragraphs [0003] and [0004] of the background section disclose all of the

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elements of claim 5, except for the number of rows of holes in the vacuum roller. It would have been an obvious matter of design choice to provide the vacuum roller with four rows of holes, since applicant has not disclosed that providing more or less rows of holes solves any stated problem or is for any particular purpose and it appears that the invention would perform equally with more rows of holes. One of ordinary skill in the art would have been motivated to provide four rows of holes to provide sufficient suction to the vacuum roller to convey sheets.

### ***Response to Arguments***

3. Applicant's arguments filed 6/15/2007 have been fully considered but they are not persuasive.

First, applicant argues

The 35 USC §102(b) rejection of claims 12 and 14 should be withdrawn because the Salancy hooks 226 are not structured to secure the rippler to the top plate of the deliverer with the hook located proximate to a pulley of the deliverer as is recited in claim 12. As used in claim 12, the word, "proximate" encompasses the ordinary dictionary meaning of very near as is shown in FIG. 3 of the patent application. Salancy does not show the hooks 226 located proximate or very near to a pulley as is recited in claim 12. Rather, the Salancy hooks 226 are located far away from or distant from a pulley. See FIG. 1 of Salancy. Also, the objected to clause, namely, "for securing the rippler to the top plate of the deliverer" has been amended to delete the alleged "intended use" language and insert functional language. The functional language inserted into claim 12 is to be given patentable weight. See MPEP 2173.05(g). In view of the foregoing, claims 12 and 14 are considered allowable. Reconsideration and withdrawal of the rejection to claims 12 and 14 under 35 USC § 102(b) is requested.

In response, Figs. 1, 4 and 7 of Salancy show that the hook (226) is structured to secure the rippler (222) to the top plate (224) of the deliverer (Fig. 1). Moreover, the

dictionary defines the term "proximate" as "1. Closely related in space, time, or order. 2. Approximate." See Webster's II New Riverside University Dictionary, 1984, at page 948. In other words, this dictionary definition does not specifically require proximate to mean "very near". Rather, proximate can simply mean (1) "closely related in space" or (2) "approximate". With this definition in mind, it is the examiner's position that the leftmost hook (226) in Fig. 1 of Salancy is located proximate (i.e., closely related in space or approximate) to the pulley (the unnumbered pulley below reference numeral 12 in Fig. 1) of the deliverer (Fig. 1). Thus, all of the limitations of claim 12 are met by Salancy.

Next, applicant argues

The 35 USC §102(b) rejection of claims 12 and 14 should also be withdrawn because the Salancy rippler 222 is not structured to be disposed between at least some of a set of vacuum belts as is recited in claim 12. The Salancy rippler 222 has belts 11A, 11B that are supported by the rippler 222. The Salancy rippler 222 is not structured to be disposed between at least some of a set of vacuum belts because the belts 11A, 11B are supported by belt supporting surface 230. See column 4, lines 45-47, column 4, lines 52-55 and FIG. 1 of Salancy. Salancy does not indicate that the belts 11A, 11B are vacuum belts. The patent examiner admits that Salancy does not specifically show a set of vacuum belts. See page 5, lines 5-6 of the Office Action dated March 20, 2007. In view of the foregoing, claims 12 and 14 are considered allowable. Reconsideration and withdrawal of the rejection to claims 12 and 14 under 35 USC § 102(b) is requested.

In response, claim 12 recites "wherein the rippler is **structured to be disposed between at least some of a set of vacuum belts**". (emphasis added). It is the examiner's position that claim 12 does not positively claim a set of vacuum belts. Rather, the rippler is merely structured to be disposed between at least some of a set of

vacuum belts. Fig. 3 of Salancy shows **at least a portion** of the rippler (222) (i.e., the portion of element 222 located to the left of belt 11B) located between a **set of belts** (11B and 11A). Similarly, the rippler (222) is capable of being disposed between at least some of a set of vacuum belts. Thus, it is the examiner's position that the rippler (222) is structured to be disposed between at least some of a set of vacuum belts, as claimed.

Then, applicant argues

The 35 USC §102(b) rejection of claims 12 and 14 should additionally be withdrawn because the Salancy apparatus is not structured to increase the rigidity of the paper and resist being bent upward as is recited in claim 12. Rather, the Salancy apparatus stops documents 12 and aligns the documents 12 at a registration position 16. See, column 4, lines 1- 10 and FIG. 1 of Salancy. The Salancy apparatus does not state that rippling paper increases the rigidity of the paper and resists the paper from being bent upward as is recited in claim 12. In view of the foregoing, claims 12 and 14 are considered allowable. Reconsideration and withdrawal of the rejection to claims 12 and 14 under 35 USC § 102(b) is requested.

In response, claim 12 recites "wherein the ripple in the paper is structured to increase the rigidity of the paper and resist being bent upward". This recitation does not impart patentability to the claim in view of MPEP, section 2115. As such, it is the examiner's position that all of the features of claim 12 are met by the Salancy patent. Specifically, MPEP, section 2115 states that, "Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." *Ex parte Thibault*, 164 USPQ 666, 667 (Bd. App. 1969). Furthermore, "[i]nclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims." See MPEP, section 2115. As

such, it is the examiner's position that all of the features of claim 12 are met by the Salancy patent.

Moreover, applicant argues

The 35 USC §103(a) rejection should be withdrawn because Salancy or Salancy and numbered paragraphs [0003] and [0004] of the patent application when combined do not teach or suggest all the claim recitations of claim 12. With regard to Salancy, it does not meet the recitations of claim 12 for the reasons provided above with regard to the rejection of claim 12 under 35 USC § 102(b). Those reasons are incorporated by reference into this section as if fully set forth herein.

In response, Salancy meets all of the limitations of claim 12 under 35 U.S.C. 102(b) as explained above in the rejection of claim 12 in view of Salancy.

In addition, applicant argues

With regard to the combination of Salancy and numbered paragraphs [0003] and [0004] of the patent application, the combination does not meet the claim recitations of claim 12 because numbered paragraphs [0003] and [0004], like Salancy, do not disclose the use of a hook that is structured to secure a rippler to a top plate of a deliverer with the hook located proximate to a pulley of the deliverer as is recited in claim 12. Also, numbered paragraphs [0003] and [0004], like Salancy, do not disclose a rippler that is structured to be disposed between at least some of a set of vacuum belts as is recited in claim 12. Additionally, numbered paragraphs [0003] and [0004], like Salancy, do not disclose a structure for developing a ripple in paper in order to increase the rigidity of the paper and resist being bent upward as is recited in claim 12. In view of the foregoing, claims 18 and 20 are considered allowable. Reconsideration and withdrawal of the rejection to claims 18 and 20 under 35 USC § 103(a) is requested.

In response, the Salancy patent, by itself, meets all of the limitations of claim 12, as explained above in the rejection of claim 12 under 35 U.S.C. 102(b) in view of Salancy. The examiner does not rely upon numbered paragraphs [0003] and [0004] of the instant application to disclose features of claim 12. Rather, these paragraphs are

relied upon to render the vacuum belt and vacuum roller arrangement in claims 18 and 20 obvious.

***Allowable Subject Matter***

4. Claims 1-3 and 5-11 are allowed. Claims 19 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/3/2007



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